

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 04-80791

HON. LAWRENCE P. ZATKOFF

JOEL LAIRD and MICHAEL WRIGHT,

Defendants.

ORDER CLARIFYING ROLE OF STAND-BY COUNSEL DURING TRIAL

As stated on the Record at the October 18, 2005, hearing regarding Defendant Michael Wright's ("Defendant") assertion of self-representation, IT IS HEREBY ORDERED that stand-by counsel David M. Burgess will fill the following three roles:

1. Standby counsel must be prepared to assist the Defendant if requested and to call the judge's attention to matters favorable to the accused upon which the judge should rule, although not in the presence of the jury;
2. Standby counsel must be prepared, even over the Defendant's objection, to relieve the judge of the need to explain and enforce basic rules of courtroom protocol or to assist the defendant in overcoming routine obstacles that stand in the way of the defendant's achievement of his own clearly indicated goals; and
3. Standby counsel must be prepared to step in and assume responsibility for the defense should the inability of the accused become apparent mid-trial.

See Faretta v. California, 422 U.S. 806, 835 (1975); *McKaskle v. Wiggins*, 465 U.S. 168, 173-78 (1984); ABA STANDARDS FOR CRIMINAL JUSTICE 2D Standard 6-3.7 (1986).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 4, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 4, 2005.

s/Marie E. Verlinde

Case Manager
(810) 984-3290